

August 23, 2011

American Indian Environmental Office / Joanne Chase

Mail Code: 2690M

1200 Pennsylvania Avenue, NW,
Washington, DC 20460

FAX: (202) 564-0298

Dear Joanne:

Thank you very much for coming to Anchorage and for conducting a meeting with Tribal Leaders to discuss important issues to Tribes in Alaska on August 29th, 2011.

The Native Village of Tyonek (NVT) –is a federally recognized Tribe and the peoples of Tyonek have thrived off the marine environment, rivers, and lands – while residing along the beaches of the Cook Inlet for thousands of years.

The Tyonek native peoples are referred to as the Tebughna, “Beach People”. We are located 45 air miles from Anchorage across the Cook Inlet in the village of Tyonek. The NVT relies on a subsistence lifestyle that is centuries old, and wild, healthy salmon are a vital component of NVT’s traditional way of life.

Pac Rim Coal, a Delaware corporation, funded by Texas multi-millionaires is actively seeking state and federal permits to operate the Chuitna coal strip mine - which would be Alaska’s largest coal strip mine on the western shores of Cook Inlet near the communities of Tyonek and Beluga. The Pac Rim proposal has been pushed by the Alaska State Department of Natural Resources and the Alaska Department of Environmental Conservation with the goal of selling coal to Japan and China, which will contribute to Climate Change, pollute our waters, cover our fragile wetlands and waters with coal dust, destroy the Chuitna River Salmon habitat and result in Mercury travelling back to Alaska – further polluting our lands. Not surprising, a door-to-door poll of the 186 residents of the Native Village of Tyonek revealed that 98% of Villagers oppose the Chuitna coal mine. In response, the NVT has formally passed a resolution clearly stating our opposition.

Alaska stands on the front lines of rapid climate change, and from receding glaciers, warming salmon streams and eroding coastlines, the “Last Frontier” is feeling the disproportionate effects of global warming. Yet Alaska also possesses enormous undeveloped coal reserves, and despite the fact coal produces the most greenhouse gases of any traditional fossil fuel, state and federal agencies are actively working with outside corporations to mine and export Alaskan coal for energy-hungry Asian markets. While Alaska has experienced a host of proposed coal-related projects over the past six years, the Chuitna coal strip mine outside Anchorage poses the most imminent and substantial risks of any project in the state. If the Chuitna project moves forward, it will lock in the infrastructure and export markets that will open massive tidewater coal reserves for Asian markets clamoring for “cheap” and reliable energy.

Equally important, the Chuitna coal mine would be the first project in Alaskan history to mine completely through a wild salmon stream (the River supports all five species of Wild Pacific salmon). As a result, this development poses a dangerous precedent across the state, where growing pressures to mine coal, gold, and copper increasingly conflict with sustainable salmon resources. The Chuitna Coal Strip Mine project would be the first strip mine in state history allowed to mine directly through 11 miles of salmon spawning and rearing habitat, completely removing the streambed from bank to bank to a depth of 350 feet!

If the Chuitna mine is developed thousands of acres of wetlands will be drained, permanently degrading the headwaters of streams that flow into the Chuitna River. According to fisheries biologists and restoration experts the level of impact PacRim proposes will deem reclamation functionally impossible. Middle Creek, a tributary to the Chuitt River (recognized as important to salmon by the Alaska Department of Fish and Game) will be destroyed and adjacent streams will have their water flows significantly altered. There is *NO* law in Alaska that bans the wholesale removal of a salmon stream; the decision is left to the discretion of state agency personnel. If the Chuitna coal strip mine is permitted a precedent will be set that has far reaching implications to all anadromous streams across the state – if they can mine through the Chuitna Watershed tributaries they can mine through any salmon stream on or adjacent to Native lands.

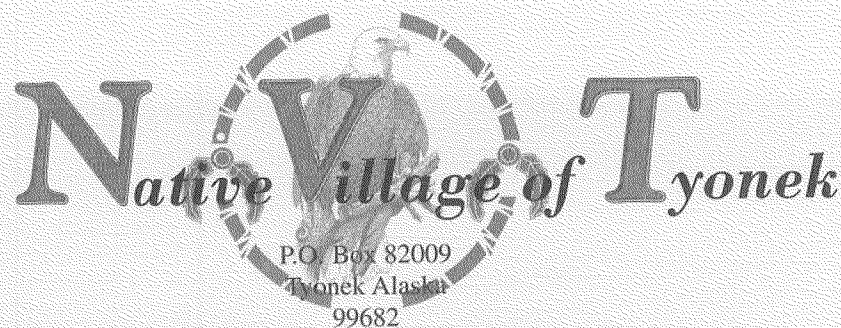
Requests from Native Village of Tyonek – IRA Council:

- A joint drafting and signing of an MOU between EPA and NVT – IRA Council pertaining to the proposed Chuitna Coal Mine.
- EPA commitment to review the NPDS permit as indicated by Mike Lidgard and Rick Parkin.
- EPA seriously considers utilizing your authority under 404Q: to elevate the Pac Rim Coal permit request to headquarters; based on the Chuitna River and the Cook Inlet being of national importance.
- Consider exercising 404c authority if necessary
- Please utilize all possible resources in order to exercise your authority under 404, 402 and 309, and uphold Water Quality standards and the Clean Water Act.
- Play an active role as a Cooperating Agency in the draft SEIS process.
- Ensure that the State of Alaska and the Department of Environmental Conservation fulfill their delegated authority to uphold the Clean Water Act.
- Quarterly Government to Government meetings between the EPA and NVT – IRA Council.

Best wishes:



President Frank Standifer



August 30, 2011

Colonel Reinhard W. Koenig
U.S. Army Corps of Engineers, Project Manager
P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898
(907)753-5567

Dear Colonel Koenig:

Thank you for taking the time to meet recently regarding the roles and responsibilities of Rob Rosenfeld, MA – Rosenfeld Consultant Services. Thank you for indicating that you respect our, “decision to select Mr. Rosenfeld as an Advisor to the tribe,” in your letter of August 15th, 2011.”

I will clarify Mr. Rosenfeld’s role with the Native Village of Tyonek – IRA Council.

Mr. Rosenfeld is our Advisor on all issues pertaining to the proposed Chuitna Coal mine. Mr. Rosenfeld is to be involved in absolutely every aspect of the proposed Chuitna Coal Mine project including but not limited to all that is contained in this letter, which the NVT- IRA Council is currently or maybe come involved with:

We have asked Mr. Rosenfeld to attend all cooperating agency and government to government meetings pertaining to the preliminary SEIS, draft SEIS and SEIS. In addition, Mr. Rosenfeld has been asked to coordinate, schedule, plan for, and be present at all government to government meetings with all federal and state agencies pertaining to the proposed Chuitna Coal Mine.

Mr. Rosenfeld will be present at all teleconferences and in-person meeting with all federal and state agencies pertaining to the proposed Chuitna Coal Mine.

Mr. Rosenfeld may be in contact with your staff to coordinate meetings, work on draft government to government agreements with the Army Corps of Engineers and other federal and state agencies, prepare draft agendas, be aware of timelines, learn about regulatory responsibilities, obtain key contacts, obtain background information, assist with research, follow up on and receive - past and present correspondence, and ask questions. He will be at all the Cooperating Agency meetings as an Advisor to the NVT. He will not speak on behalf of the NVT. When attending Government to Government meetings, Mr. Rosenfeld may ask questions, providing he has permission from an NVT Council Member or Staff that is present. He may also

call your staff individually and ask questions pertaining to timelines, draft agendas, MOU's, the SEIS process, public comment process, cooperating agency matters, and follow-up on past meetings and correspondence.

Please note that NVT – IRA Council members are not paid and we don't have staff to coordinate, assist and advice on the proposed Chuitna Coal Mine. We have contracted Mr. Rosenfeld to assist us.

As the President of the Native Village of Tyonek – IRA Council, I expect that the Department of Defense and Department of Army - Commanders, Staff and Advisors will interact professionally and in a timely manner with Mr. Rosenfeld.

Please ask your staff to copy him on all correspondence and respond to his email and phone inquiries in a timely manner. Mr. Rosenfeld will copy me and the Tribal Administrator on all correspondence. As the President of a sovereign tribal government, I have the right to select my Advisors, Consultants, Contractors and Staff and will ensure they are at necessary meetings to assist, take notes, ask questions and facilitate upon my request with approval from the IRA Council.

Respectfully:

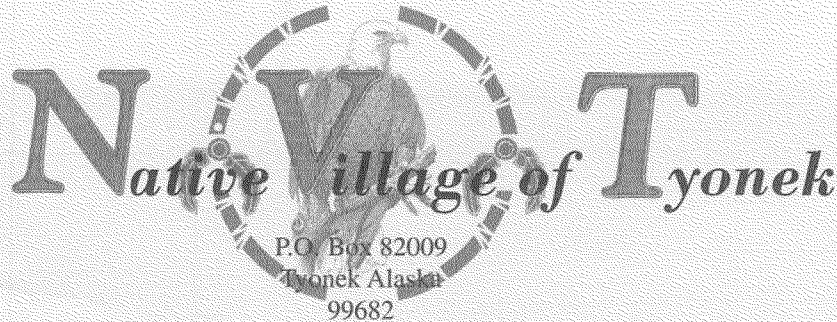
A handwritten signature in black ink, appearing to read "Frank Standifer III", with a stylized flourish at the end.

President Frank Standifer III

CC: Serena Sweet, Shannon Morgan, Georgie Reynolds and Steve Meyers

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Resolution #2011-08

**AUTHORIZING COUNCIL TO WORK WITH CONTRACTOR ROB ROSENFELD ON ISSUES
SURROUNDING THE PROPOSED CHUITNA COAL STRIP MINE**

WHEREAS, this tribe is an Indian chartered tribe as defined by the Indian Reorganization Act of June 18, 1934 and the act of May 1, 1936, extending certain provisions of the former act to Alaska, and under its charter, constitution and by-laws, has full authority to act in the following:

WHEREAS, the Native Village of Tyonek, and IRA Organization is the Tribal Authority for Tyonek, and is recognized in the Federal Register, and

WHEREAS, the Native Village of Tyonek (NVT) relies on a subsistence lifestyle that is centuries old, and wild, healthy salmon are a vital component of NVTs traditional ways of life;

WHEREAS, the NVT does oppose the Chuitna Coal Strip Mine Project and any coal strip mining effort in the Chuitna Watershed that would harm the long term health and sustainability of wild salmon resources in the Upper Cook Inlet watershed.

WHEREAS, the proposed Chuitna coal strip mine, if developed, would significantly change the lands and waters surrounding the Native Village of Tyonek, with the potential to adversely affect fish and wildlife populations and the NVT members who rely on them;

WHEREAS, NVT's interests will be better served with the assistance of individuals and groups with technical, legal and policy expertise, who are willing to share that expertise with NVT.

WHEREAS, Rob Rosenfeld is a contractor, with over a decade of experience working successfully with Alaska Native tribes on various development issues.

NOW, THEREFORE, BE IT RESOLVED, the NVT Council does hereby agree to work with Mr. Rosenfeld in an advisory capacity to ensure NVT interests and rights are protected in the process to develop the proposed Chuitna coal strip mine.

BE IT FURTHER RESOLVED THAT, Rob Rosenfeld will not have authority to speak on behalf of the Native Village of Tyonek, nor authorized to enter into any agreements on behalf of the Native Village of Tyonek, and this resolution may be rescinded at any given time.

CERTIFICATION

This will certify that the foregoing resolution was approved at a meeting held on the 11th day, of May, 2011. At which a quorum of Council members were in attendance.

For 7
Against 1
Abstain 1
Present 9
Absent 0


Frank Standifer, III, President


Rae J. Bartels, Secretary / Treasurer

Admin Offices	Tribal Operations	Environmental	ICHD Admin	Kaloa Properties	Little Chief HS	NVT Housing Dept
Ph: 907-583-2201	Ph: 907-583-2115	Ph: 907-583-2135	Ph: 907-583-2225	Ph: 907-277-7231	Ph: 907-583-2213	Ph: 907-583-2188
Fax: 907-583-2442	Fax: 907-583-2442	Fax: 907-583-2442	Fax: 907-583-2226	Fax: 907-277-7309	Fax: 907-583-2214	Fax: 907-583-2188